HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 10642 OF 2005

Dated 5th June, 2006

Between:
P.Ruth sha Rani W/o Ch.John Babu

… Petitioner

And

District Educational Officer,
Guntur District and others.

… Respondents.

ORDER:

Though respondents 2 and 3 are served, there is no appearance on their behalf and counter affidavit is filed on behalf of the first respondent – District Educational Officer, Guntur District.

The petitioner is presently working as Secondary Grade Teacher in Lutheran English Medium Primary School, Brodipet, Guntur having been appointed as such. This writ petition was filed when orders dated 3.1.2005 were passed by the second respondent transferring 3rd respondent from Lutheran English Medium Primary School to Lutheran English Medium High School in the existing vacancy, which is an aided post.

It is the case of the petitioner that the appointment of the petitioner was approved, whereas the appointment of 3rd respondent as Secondary Grade Teacher was not approved. Therefore, the respondent-management ought to have considered the case of the petitioner for appointment as Secondary Grade Teacher in High School in preference to the third respondent. But, orders were passed by the second respondent-management appointing the third respondent, though she is not eligible for such appointment.

Counter affidavit has been filed by the first respondent, in which, it is admitted that appointment of the petitioner in the primary school as Secondary Grade Teacher was approved by the competent authority by proceedings dated 8.3.1995. With regard to appointment/transfer of 3rd respondent in the High School, it is stated that no such appointment is validly made to fill up the vacancy in High School and the orders passed by the second

respondent for such appointment have not yet been approved by the competent authority. It is also further stated that the second respondent-management has not submitted any proposals for absorption of the petitioner into aided post of Secondary Grade Teacher in Lutheran English Medium High School, Guntur.

As much as it is stated that 3rd respondent's appointment is not a valid one and the same is not yet approved by the competent authority, there is no need to declare the validity of the said order. Unless orders are approved by the competent authority, they have no valid effect for their enforcement. Since, in the counter affidavit, it is not stated that the petitioner is not eligible to hold the post of Secondary Grade Teacher in High School, and, in view of the stand taken by the first respondent that the appointment of 3rd respondent is not approved by the competent authority, I dispose of the writ petition directing the respondents not to give effect to the order dated 3.1.2005. I further direct that whenever the aided vacancy is to be filled up in Lutheran English Medium High School, the case of the petitioner and other similarly placed persons shall be considered by the management as also by the first respondent for approval in accordance with the rules.

Subject to the above direction, the writ petition is disposed of. No costs.

_____

5.6.2006 **(R.SUBHASH REDDY, J.)**

VR